IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 9493 of 2003

Between:

Smt. Ch.Balamani W/o Late Sri Lakshmaiah

Aged 60 years R/0 17-2-256/1, Chowni Upperguda

Yakutpura, Hyderabad

..... PETITIONER

AND

1.A.P.S.R.T.C., rep.by its Vice Chairman & Managing Director

Musheerabad, Hyderabad;

2.The Works Manager, A.P.S.R.T.C., Printing Press, Body Building

Unit, Miyapur, Hyderabad

3.Smt Gayatri D/o Sri Jaihind, 8-451/1, Ganeshpuri colony,

new MCH colony, Dilsukhnagar, Hyderabad;

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly lone in the nature of writ of Mandamus or any other appropriate writ declaring the petitioner is entitled to terminal benefits consequent on the death of her son Ch. Venkatesh Yadav, E No.114314 and consequently direct the respondents to release the retiral benefits to the petitioner herein.

Counsel for the Petitioner: SMT.K.UDAYA SRI

Counsel for the Respondent No.3: MR.SATYANARAYANA NIMMAGADDA

Counsel for the respondents 1 & 2: K Harinath

The Court made the following:

ORDER:

The petitioner is the mother of late Ch.Venkatesh Yadav, who expired on 22.04.2003, after working ten years, while he was in service as Junior Machine Operator in the first Respondent-Corporation. The 3rd respondent is the wife of late Ch. Venkatesh Yadav and he begot a daughter through 3rd respondent, by name Baby Deekshita in the year 1999. As there is a dispute with regard to the apportionment of terminal benefits such as gratuity, S.R.B.S. and Provident Fund and as there is a rival disputes between the legal heirs of the deceased, the first respondent – corporation has not paid the same to either of them.

Now the petitioner, 3rd respondent and the minor child have realized the fact that all of them are entitled equal shares of the terminal benefits.

It is stated that an amount of Rs.47,867/- was drawn by the petitioner relating to L.I.C.

Accordingly, the writ petition is disposed of, directing the respondents 1 and 2 to pay the terminal benefits equally i.e., 1/3rd share each to the petitioner, the 3rd respondent and the minor daughter Baby Deekshitha after pooling the L.I.C. amount

into common pool, within a period of eight weeks from the date of receipt of this order. There shall be no order as to costs.

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12th AUGUST,2004

GS/BSS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Vice Chairman & Managing Director, A.P.S.R.T.C.,

Musheerabad, Hyderabad;

2.The Works Manager, A.P.S.R.T.C., Printing Press, Body Building

Unit, Miyapur, Hyderabad

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